

J63AACAPC

Conference

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

18 CR 540 (CM)

5 RODIN DIAZ, ET AL.,

6 Defendants.

7 -----x

8 New York, N.Y.

9 June 3, 2019

2:15 p.m.

10 Before:

11 HON. COLLEEN MCMAHON,

12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN

15 United States Attorney for the

16 Southern District of New York

17 TIMOTHY CAPOZZI

Assistant United States Attorney

18 JASON E. FOY

19 Attorney for Defendant Diaz

20 LAWRENCE M. FISHER

Attorney for Defendant Capellan

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1 (Case called)

2 MR. CAPOZZI: Timothy Capozzi, for the United States.

3 MR. FOY: May it please the Court, Jason Foy, for  
4 Mr. Rodin Diaz seated to my left.

5 Good afternoon, your Honor

6 MR. FISHER: Good afternoon.

7 Lawrence Fisher, for Mr. Capellan.

8 THE COURT: Good afternoon.

9 So what's the deal here?

10 MR. CAPOZZI: Your Honor, the government and the two  
11 defendants have engaged in substantial discussions of pretrial  
12 resolution. Neither defendant has reached a resolution with  
13 the government yet. The parties have conferred and would  
14 request if the Court is inclined to grant it that we set a  
15 conference for August 15, at which time we could reconvene and  
16 hopefully there will be some developments in the meantime. Of  
17 course if there are, the parties will alert the Court but if  
18 that date works for the Court, we would recommend it.

19 THE COURT: I'll be on trial. I'll be here two  
20 o'clock. Let's be real prompt because I'll have a jury trial.

21 So two o'clock and time is excluded in the interest of  
22 justice, conference at the request of defense counsel and  
23 government jointly. And if you come to some resolution earlier  
24 and you want to take it to the magistrate judge, feel free to  
25 do that. OK?

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1 MR. FOY: With regards to the 15th, I think it's good  
2 date. I am not trying to change it. I just foresee the  
3 possibility that there could be a change because of my personal  
4 schedule. It doesn't mean that's going to happen.

5 THE COURT: Right now that's the date.

6 MR. FOY: That's the date and we'll be here to do it  
7 but I didn't want to --

8 THE COURT: My personal schedule has changed in the  
9 last two hours. So I'm not going to go into what I have to  
10 tend to.

11 MR. FOY: Good luck with that. Hope you get well  
12 soon.

13 THE COURT: OK.

14 (Adjourned)  
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